



BEFORE THE ARIZONA CORPORATION COMMISSION

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2006 APR 24 P 3: 27

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

ORIGINAL

IN THE MATTER OF

PAC-WEST TELECOMM, INC.,

Complainant,

vs.

QWEST CORPORATION,

Respondent.

DOCKET NO. T-01051B-05-0495
T-03693A-05-0495

**STAFF'S MOTION FOR
CLARIFICATION**

On April 13, 2006, the Hearing Division issued a recommended Opinion and Order resolving a dispute between Pac-West Telecomm, Inc., ("Pac-West") and Qwest Corporation ("Qwest") involving Virtual NXX ("VNXX"). While Staff takes no position on the other findings in the recommended Opinion and Order, in Finding of Fact 24, the Staff is ordered to commence an investigation to determine whether "VNXX is in the public interest":

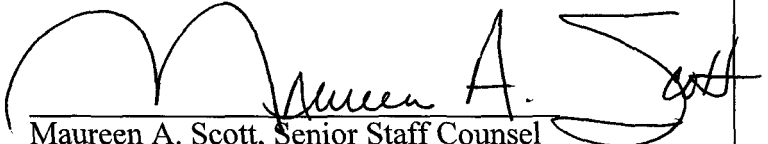
Because the issue of VNXX has now come before the Commission more than once, and we anticipate that it will continue to be an issue in the future, we will order Staff to open a generic docket to investigate and make recommendations on whether, or under what circumstances, the use of VNXX is in the public interest.

Staff is not certain that a generic docket on VNXX would be productive at this time, given the uncertainties at the federal level. The NARUC Task Force on Intercarrier Compensation recently announced that it has received enough support to move forward with the proposal to reform Intercarrier Compensation. In addition, a number of generic dockets are currently pending such as the Arizona Universal Service Fund Docket, the Preferred Provider Agreement Docket.

1 However, should the Commission desire to proceed with this generic docket, Staff would request that
2 the issues be more narrowly defined by the Hearing Division to specify issues such as: 1) what rates
3 are applicable on an ongoing basis, 2) whether VNXX results in misassigned local telephone
4 numbers, 3) whether VNXX results in misused telephone numbering resources. The topic of VNXX
5 is a complex one which has many facets to it, including issues relating to local calling area
6 definitions, federal/state jurisdiction and intercarrier compensation. It would be helpful to Staff if the
7 Hearing Division focused the generic docket more to address a specific issue, since the public interest
8 issue is so broad and undefined. It would be helpful if the Hearing Division could also clarify what it
9 intends the outcome of such a proceeding to be, i.e., a Staff Report, a Staff Recommendation to the
10 Hearing Division and/or the Commission or some other result. Finally, some clarity on the
11 procedural aspects of the generic docket would also be helpful, i.e. does the Hearing Division
12 contemplate a Notice of Inquiry followed by written comments or some other process.

13 In conclusion, the Staff respectfully requests that the Hearing Division clarify its Order as
14 discussed with respect to the generic docket Staff is ordered to commence. Such clarification would
15 be helpful given the number of important dockets now pending and the limited resources of Staff.

16 RESPECTFULLY SUBMITTED this 24th day of April 2006.
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20 Maureen A. Scott, Senior Staff Counsel
21 Legal Division
22 Arizona Corporation Commission
23 1200 West Washington Street
24 Phoenix, Arizona 85007
25 Telephone (602) 542-3402

26 Original and thirteen (13) copies
27 of the foregoing were filed this
28 24th day of April, 2006 with:

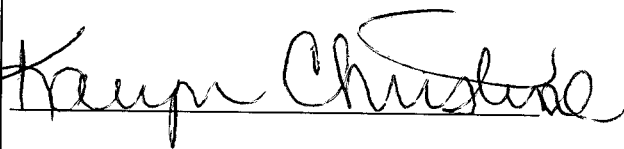
26 Docket Control
27 Arizona Corporation Commission
28 1200 West Washington Street
Phoenix, Arizona 85007

1 Copies of the foregoing mailed this
2 24th day of April, 2006 to:

3 Timothy Berg
4 Theresa Dwyer
5 3003 North Central Avenue
6 Suite 2600
7 Phoenix, Arizona 85012-2913

8 Norman G. Curtright
9 Qwest Corporation
10 4041 North Central Avenue
11 11th Floor
12 Phoenix, Arizona 85012

13 Joan S. Burke
14 Daniel L. Kaplan
15 Osborn Maledon, PA
16 2929 North Central, Suite 2100
17 Phoenix, Arizona 85012

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